



Atty. Dkt. No. 025217-0122

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Barry Leonard REED et al.

Title: DERMAL PENETRATION  
ENHancers AND DRUG  
DELIVERY SYSTEMS  
INVOLVING SAME

Appl. No.: 10/759,303

Filing Date: 01/20/2004

Examiner: Konata George

Art Unit: 1616

Confirmation 7169

Number:

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

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**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

**RELEVANCE OF EACH DOCUMENT**

WO 92/20376 is a foreign-language document. An English translation of WO 92/20376 is not in the possession, custody, or control of, or readily available to, the Applicants. However, this foreign-language document has an English language abstract. Moreover, the absence of an English language translation does not relieve the PTO from its duty to consider the foreign language document. *See* 37 CFR §1.98 and MPEP §609.

According to its English language abstract, WO 92/20376 describes compositions which can promote the percutaneous absorption of drugs that contains p-hydroxybenzoic esters, water and a lower alcohol as the essential ingredients, and also to compositions containing p-hydroxybenzoic esters, water, a lower alcohol and a drug.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

**FEE**

A credit card payment form is enclosed that includes \$180.00 to cover the fee associated with an information disclosure statement under 37 CFR §1.97(c), as required by 37 CFR §1.17(p). The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date November 28, 2006

By Courtenay C Brinckerhoff

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Date Submitted: November 28, 2006

(use as many sheets as necessary)

Sheet 1 of 1 Attorney Docket Number 025217-0122

**Complete if Known**

<b>Application Number</b>	10/759,303
<b>Filing Date</b>	01/20/2004
<b>First Named Inventor</b>	Barry Lenard REED
<b>Art Unit</b>	1616
<b>Examiner Name</b>	Konata George

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	A1	US-4,563,346	01-07-1986	Deckner, George E.	
	A2	US-4,959,205	09-25-1990	Brunner et al.	
	A3	US-5,413,794	05-09-1995	Suzuki et al.	
	A4	US-5,674,912	10-07-1997	Martin, Alain	
	A5	US-5,951,967	09-14-1999	Golz et al.	
	A6	US-6,004,969	12-21-1999	Hu, Oliver Yoa-Pu	
	A7	US-6,010,716	01-04-2000	Saunai et al.	
	A8	US-6,929,801 B2	08-16-2005	Klose et al.	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	A9	EP 0 581 587 A2	02-02-1994	Tanabe Seiyaku Co., Ltd.		
	A10	EP 0 614 354 B1	09-14-1994	Richardson-Vicks, Inc.		
	A11	WO 92/20376 A1	11-26-1992	Hisamitsu Pharmaceutical Co., Inc.		
	A12	WO 93/10755 A1	06-10-1993	Richardson-Vicks, Inc.		

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A13	Good et al., "A New Transdermal Delivery System for Estradiol," Journal of Controlled Release 2:89-97 (1985) © Elsevier Science Publishers B.V., Amsterdam – Printed in The Netherlands.	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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